

21.02.2023.
19.
Ct.No.28.
(Allowed)

C.R.M. (NDPS) 319 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.214 of 2021 arising out of Raninagar P. S. Case No.438 of 2021 dated 02.10.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Rafikul Islam @ Rofikul Islam
@ Rofiqul Islam.

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner submits co-accused is on bail. He stands on the same footing. There is delay in the matter due to non-submission of chemical examiner's report. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Co-accused has been enlarged on bail. Petitioner is in custody for more than one year and four months. There is no possibility of trial commencing as chemical examiner's report has not been submitted.

Under such circumstances, we are inclined to enlarge the petitioner on bail on parity.

Accordingly, the petitioner viz., Rafikul Islam @ Rofikul Islam @ Rofiqul Islam and shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act,

Murshidabad at Berhampore subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)